

Remarks

Reconsideration of the application and allowance of all pending claims are respectfully requested. Claims 1-18 remain pending.

In the Office Action dated March 4, 2004, claims 1-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols et al. (U.S. Patent No. 6,138,150; hereinafter, Nichols) in view of Thackston (U.S. Patent No. 6,295,513). Applicants respectfully, but most strenuously, traverse this rejection for the reasons below.

Applicants respectfully submit that Nichols is not valid prior art because it is excluded as prior art under 35 U.S.C. 103(c). In particular, 35 U.S.C. 103(c) as amended, effective Nov. 29, 1999, states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

As recognized in the Office Action, Nichols qualifies as prior art under 35 U.S.C. 102(e).

Further, Nichols was, at the time the claimed invention was made, owned by International Business Machines Corporation, as evidenced by the cover page of U.S. Patent No. 6,138,150. Also, the claimed invention was subject to an obligation of assignment to International Business Machines Corporation at the time the invention was made, as evidenced by the assignment executed by the inventor on March 13, 2001. This assignment was recorded in the United States Patent and Trademark Office on reel 011701, frame 0141 on April 6, 2001. Therefore, the subject matter of Nichols and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Consequently, under 35 U.S.C. 103(c), Nichols may not preclude patentability of the invention claimed in the claims rejected under 35 U.S.C. 103(a).

Moreover, Thackston does not teach or suggest at least one element of the invention claimed in claims 1-13 and 15-18, and one of ordinary skill in the art would not have the motivation to modify Thackston to overcome these deficiencies because one or more aspects of

the claimed invention pertain to a remote control system for controlling a terminal device, whereas Thackston addresses a collaborative engineering system.

In one aspect, the present invention pertains to a remote control system for a terminal device, such as an electric home appliance or a consumer electronics product. The terminal device is connected to a server via a local area network. The server transmits control data to and receives control data from the terminal device, and it registers a three-dimensional model that provides a pictorial description of a physical view of the terminal device. The pictorial description can be displayed on a computer connected to the server to facilitate remote operation or control of the terminal device by a user.

In contrast, Thackston teaches a collaborative engineering system for the design and manufacture of parts. It does not teach or suggest providing data to be used to remotely control a terminal device connected to a server. For instance, with respect to claim 1, Thackston does not teach or suggest “registering three-dimensional model data concerning said terminal device.” Applicants register data that pictorially describes a physical view of the terminal device. In contrast, Thackston teaches storing a “baseline part design model data module [containing] part design models, such as 3D solid models.” This data is used for designing parts, but not for remote control of a terminal device. The teaching of Thackston does not read on the “registering three-dimensional model data concerning said terminal device” claim element because the three-dimensional (3D) model data disclosed in Thackston does not concern said terminal device. The 3D model data disclosed in Thackston describes a product being designed or sought. In contrast, the claimed terminal device is a device connected to a server (via a network, for example) that may be remotely controlled by a client personal computer (PC). The 3D model data taught in Thackston does not concern such a terminal device; it concerns a part that is being designed. Unlike the claimed terminal device, the part being designed is not connected to a computer communications network and is not remotely controllable by a client computer connected to the network.

Similarly, Thackston does not teach or suggest the following as recited in claims 4, 15, 17, and 18, respectively: “a server, in which are stored three-dimensional model data, consisting of a Java program file concerning a connected terminal device;” “a process of calling for three-

dimensional model data concerning a terminal device connected to a network;” “a process of calling for the transmission, via an external network, of three-dimensional model data concerning a terminal device;” and “storage means for storing a program that executes a process of calling for the transmission, via an external network, of three-dimensional model data concerning a terminal device.” Again, Thackston does not teach or suggest data concerning a terminal device, as claimed by applicants. Instead, the data of Thackston is of a part to be designed. For instance, the 3D model data in Thackston describing the part being designed does not describe a physical view of a terminal device connected to the server via a computer communications network. Also, it is this 3D model data describing the part being designed that is called for by a browser process running on a user’s computer system as taught by Thackston, not model data concerning a terminal device. Therefore, Thackston clearly does not teach or suggest all elements of claims 4, 15, 17, and 18.

With respect to claim 7, Thackston does not teach or suggest “three-dimensional model data, including geometrical data for said terminal device and device operating data that ... reflect the operating results of said terminal device,” as examples. Thackston teaches a “baseline part design model data module [containing] part design models, such as 3D solid models.” The teaching of Thackston does not read on the “three-dimensional model data, including geometrical data for said terminal device” claim element because the three-dimensional model data disclosed in Thackston is not for said terminal device. The 3D model data disclosed in Thackston describes a product being designed or sought. In contrast, the claimed three-dimensional data provides a pictorial description of a physical view of the terminal device. The pictorial description can be displayed on a computer connected to the server to facilitate remote operation or control of the terminal device by a user. The 3D model data taught in Thackston is not for a terminal device that is connected to the network; it concerns a part that is being designed. Also, the part being designed in Thackston is different from the claimed terminal device because it is not connected to the network, and it cannot be controlled by a client computer.

In addition, Thackston does not teach or suggest three-dimensional model data that includes “device operating data that ... reflect the operating results of said terminal device.” Thackston teaches model data that includes analysis and computer simulation data that

characterize a design represented by the model data, but this data does not pertain to the operational status of the terminal device. Therefore, Thackston fails to teach or suggest at least one aspect of the invention claimed in claim 7. Furthermore, there is no teaching or suggestion in Thackston that would make a modification of Thackston to cure this deficiency obvious to one of ordinary skill in the art.

Claim 11 pertains to a terminal device control method wherein a client exercises remote control of a terminal device. In contrast, Thackston does not even address the same problem. Instead, Thackston pertains to a collaborative engineering system for the design and manufacture of parts. In addition, Thackston does not teach or suggest “designating a web browser at said client to designate a URL corresponding to said terminal device.” The only references to a URL in Thackston that were found by the applicants are the URL of the NICECAD server system (col. 12, lines 19-30) and the URL of backup server hardware (col. 11, lines 5-11). In contrast to the claimed invention, Thackston teaches designating the URL of a server in a browser at a user’s computer system or client computer. The server in Thackston is not the claimed terminal device because the 3D model data stored at the server does not facilitate remote control of the server by a client computer. Therefore, Thackston does not teach or suggest designating “a URL corresponding to said terminal device.”

Because Thackston, the only remaining, properly-cited reference under 35 U.S.C. 103(a), does not teach or suggest all aspects of the present invention recited in claims 1, 4, 7, 11, 15, 17, and 18 and because one of ordinary skill in the art would not have the motivation to modify Thackston to overcome these deficiencies, applicants respectively submit that these claims recite patentable subject matter over the applied references. Applicants thus respectfully request withdrawal of the rejection of claims 1, 4, 7, 11, 15, 17, and 18 based on Thackston. In addition, applicants respectfully request withdrawal of the rejection of claims 2, 3, 5, 6, 8-10, 12, 13, and 16 for the reasons stated above for claims 1, 4, 7, 11, 15, 17, and 18 and for their own additional recitations because these claims depend from one of claims 1, 4, 7, 11, 15, 17, and 18.

In the above-identified Office Action, claim 14 is rejected under 35 U.S.C. 102(e) as being unpatentable over Nichols. Applicants respectfully, but most strenuously, traverse this rejection for the reasons below.

One aspect of the present invention pertains to a remote control system for a terminal device, such as an electric home appliance or a consumer electronics product. Nichols pertains to a method for remotely controlling a computer via the Internet with a web browser. While the problems addressed by the present invention and the cited reference appear to be similar at a glance, a closer reading reveals that Nichols does not teach or suggest at least one element of the claimed invention. For instance, Nichols does not teach or suggest “employing a web browser at a first client to designate a URL corresponding to said terminal device” or “employing a web browser of a second client to designate a URL corresponding to said terminal device.” The well-known acronym URL stands for uniform resource locator. Claim 14 recites the use of a web browser of a client computer to “designate a URL corresponding to said terminal device.” The designated URL points to three-dimensional model data for the terminal device that was previously registered at the server computer. It is this model data that is downloaded to the client computer that designated the URL corresponding to said terminal device.

In contrast, Nichols teaches a client computer that employs a web browser to designate the URL of a server. (See col. 3, lines 4-9 and col. 4, lines 23-34 cited in the Office Action.) In Nichols, entering the URL of a secure server is required before a user may request access to the target computer’s management console web page by entering a password. (See col. 3, lines 6-11 cited in the Office Action.) Unlike the claimed invention, the URL entered in a web browser by a user does not point to model data associated with a terminal device that is being remotely controlled by a client computer. Therefore, Nichols teaches designating the URL of a security server, not designating “a URL corresponding to a terminal device.”

Because Nichols does not teach or suggest one or more elements of the present invention as recited in claim 14, applicants respectfully submit that this claim recites patentable subject matter over the applied reference.

For all of the above reasons, applicants respectfully request an indication of allowability for all pending claims.

Should the Examiner wish to discuss this case with applicants' attorney, please contact applicants' attorney at the below listed number.

Respectfully submitted,

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